

To: O'Lone, Mary[olone.mary@epa.gov]
From: Isales, Daniel
Sent: Tue 10/4/2016 9:31:19 PM
Subject: RE: 11R-14-R4 Revised INVESTIGATION PLAN 10032016.docx

Thank you, Mary, very much looking forward to it. The past year has had its challenges so I'm looking forward to just being outside enjoying life. Dan

Daniel L. Isales (3RC60)

United States Environmental Protection Agency, Region III

Environmental Science Center

701 Mapes Road

Fort Meade, Maryland 20755-5350

(410) 305-3016

Isales.daniel@epa.gov

From: O'Lone, Mary
Sent: Tuesday, October 04, 2016 5:30 PM
To: Isales, Daniel <Isales.Daniel@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Johnson, Johanna <Johnson.Johanna@epa.gov>
Subject: RE: 11R-14-R4 Revised INVESTIGATION PLAN 10032016.docx

Great. I will add my changes to this version.

Have a fun time.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Isales, Daniel

Sent: Tuesday, October 04, 2016 5:29 PM

To: O'Lone, Mary <OLone.Mary@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Johnson, Johanna <Johnson.Johanna@epa.gov>

Subject: RE: 11R-14-R4 Revised INVESTIGATION PLAN 10032016.docx

I am in fact gone, but I was checking email one last time from home before I finish packing and getting ready. I incorporated Jeryl's comments (thank you Jeryl) and I agree that it should be shared with Lilian and whoever you think is appropriate in OGC. Talk to you in a week and a half. Take care, Dan

Daniel L. Isales (3RC60)

United States Environmental Protection Agency, Region III

Environmental Science Center

701 Mapes Road

Fort Meade, Maryland 20755-5350

(410) 305-3016

Isales.daniel@epa.gov

From: O'Lone, Mary

Sent: Tuesday, October 04, 2016 5:26 PM

To: Covington, Jeryl <Covington.Jeryl@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>

Subject: RE: 11R-14-R4 Revised INVESTIGATION PLAN 10032016.docx

Jeryl-

Dan is gone now. I have some additional comments that I told him about & said I would in. I will look at yours to & incorporate & recirculate soon.

I am not exactly sure what the next step is for this document.

Should we send it to Lilian for review?

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Covington, Jeryl

Sent: Tuesday, October 04, 2016 5:19 PM

To: Isales, Daniel <Isales.Daniel@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>

Subject: 11R-14-R4 Revised INVESTIGATION PLAN 10032016.docx

Apologizes for my late review.

I have only one continued comment related to the phrasing “should ensure” as it relates to OCR’s actions in the context of the design storm criteria.

To: Roberts, Connie[Roberts.Connie@epa.gov]
From: Isales, Daniel
Sent: Thur 12/1/2016 7:46:08 PM
Subject: RE: REACH-call with the Waterkeepers

Connie,

Will do-thanks, Dan

Daniel L. Isales (3RC60)

United States Environmental Protection Agency, Region III

Environmental Science Center

701 Mapes Road

Fort Meade, Maryland 20755-5350

(410) 305-3016

Isales.daniel@epa.gov

From: Roberts, Connie
Sent: Thursday, December 01, 2016 2:45 PM
To: Isales, Daniel <Isales.Daniel@epa.gov>
Subject: RE: REACH-call with the Waterkeepers

Daniel:

I'm sorry that I will not be available. But, please let me know if I need to follow-up on anything.

Thanks

Connie L. Roberts

Regional Agriculture Coordinator

Office of the Regional Administrator

US Environmental Protection Agency - Region 4

Atlanta Federal Center

61 Forsyth Street

Atlanta, Georgia 30303

Phone: 404-562-9406

roberts.connie@epa.gov

-----Original Appointment-----

From: Isales, Daniel

Sent: Thursday, December 01, 2016 2:42 PM

To: Dorka, Lilian; Covington, Jeryl; Farrell, Ericka; O'Lone, Mary; Wilson, Adam; Johnson, Johanna; Roberts, Connie; Peurifoy, Cynthia; HALIM-CHESTNUT, NAIMA

Cc: Temple, Kurt

Subject: REACH-call with the Waterkeepers

When: Friday, December 02, 2016 1:00 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada)

Where: **Ex. 6 - Personal Privacy**

Please join us if you are available (and if you can't make it, please don't worry about it). Below is background information regarding this call based on an email we received from Marianne

Engelman Lado. Thanks, Dan

As you know
years as the N

Ex. 6/7(c) - Privacy

previously submitted a declaration in support of the Complaint. His declaration was attached to the Complaint as Exhibit 6. In the declaration **Ex. 6/7(c) - Privacy** describes his experience monitoring and testing waters to determine the concentration of nutrients and bacteria from sources of industrial hog operations and other sources of waste in the water, a role played by each of the Waterkeepers who will join the call. The Waterkeepers also monitor industrial hog operations from the air, file and follow up on complaints with DEQ, and have generally worked together with community members to protect the waterways of North Carolina. **Ex. 6/7(c) - Privacy** declaration was also accompanied by multiple photographs and sample water monitoring reports, as well as an unpublished report on Stocking Head Creek by **Ex. 6/7(c) - Privacy** dated Jan. 28, 2014.

Over time, the Waterkeepers have documented the impact of the operation of industrial swine facilities under the state general permit and, also, the cumulative impacts of swine and poultry waste in eastern North Carolina waterways. We hesitate to send any additional information, given our belief that OCR has more than sufficient evidence to make a finding of discrimination under Title VI and EPA regulations and issue preliminary findings and recommendations. The information attached to and in the body of this email is sent as a supplement in preparation for the interview with the Waterkeepers, with the hope that OCR will be able to discuss this material during the call.

First, attached to this email please find a set of photographs taken by former Neuse Riverkeeper **Ex. 6/7(c) - Privacy**. After the site visit to Garysburg, **Ex. 6/7(c) - Privacy** noticed unusual activity involving tanker trucks in connection with a swine facility. The next day, on November 16, 2016, he arranged to fly over the facility, concerned that he had seen an effort to draw down lagoon levels in violation of state permitting requirements. **Ex. 6/7(c) - Privacy** was able to capture an image of the lagoon and trucks, and took other photographs that appear to show a center pivot sprayer land-applying waste onto fields with ponded water, which appear saturated. Waterkeeper reported this potential violation to DEQ, which followed up and issued a notice of violation. Had **Ex. 6/7(c) - Privacy** not been present, noticed the unusual activity, and arranged for a flyover, however, it is highly unlikely that this violation would have been noticed or addressed by DEQ.

Second, **Ex. 6/7(c) - Privacy** will be available to speak about the series of videos that were recently released by Waterkeeper Alliance and North Carolina Riverkeepers capturing the struggle of community members living with the impacts of industrial animal production. Together,

Waterkeeper Alliance and its North Carolina counterparts present first-hand accounts of community members, scientific experts and others on the ground, showing the impacts of animal product to public health, quality of life, and local waterways. The nine short videos are listed below:

- o "The True Cost of Industrial Meat Production" -- An overview of what is happening in North Carolina, where industrial animal production has taken the place of family farms.
- o "Wasting Away" -- Highlights the problem of industrial animal waste and how the pork industry is not being held accountable to dispose of it correctly.
- o "Belly Up" -- How waste generated by industrial meat production is decimating North Carolina's waterways and in turn, killing its fish and ecosystems.
- o "Birthright" -- Community members whose families have lived on their properties for generations talk about the heritage of their land and how it has been overtaken by industrial agriculture and animal waste.
- o "Prisoners" -- Residents discuss how they have become prisoners in their own homes due to the impacts of pollution from industrial animal production, which make it nearly impossible for them to enjoy their property.
- o "Mislabeled" -- How the pork industry deceives consumers with its marketing tactics and labeling of its products.
- o "Bullied" -- Duplin County resident Ex. 6 - Personal Privacy talks about how she has been intimidated and threatened by the pork industry to remain silent about the injustices she and her family faces.
- o "Silenced" -- The pork industry intimidates by bullying and seeking to silence the people most affected by the impacts of its pollution.
- o "The Value of Land" -- The pork industry's refusal to dispose of its waste in a regulated and more sustainable manner has decimated people's property values, making them unable to move.

These videos expand on the recent landmark report and GIS initiative by Waterkeeper Alliance, North Carolina Riverkeeper organizations and Environmental Working Group that shows the location and waste outputs of more than 6,500 swine, cattle and poultry operations throughout North Carolina. (Complainants previously forwarded information on the maps produced by the GIS initiative; available at <http://waterkeeper.org/fields-of-filth-landmark-report-maps-feces-laden-hog-and-chicken-operations-in-north-carolina/>.)

The Waterkeepers can also speak to their recent experience documenting the impacts of Hurricane Matthew and, particularly, the risks posed by lagoons and sprayfields to the waterways in this low lying coastal region, which is susceptible to hurricanes. See Complaint paragraphs 75-78. The North Carolina Riverkeepers conducted flyovers, documented spraying in advance of the storm (in violation of state permit conditions), and photographed overflows and potential problems at the facilities in the aftermath of the hurricane. See photos at <https://www.flickr.com/photos/waterkeeperalliance/sets/72157673749082442>.

Please let me know if these materials raise any question or if you have questions that you'd like the Waterkeepers to consider in advance of the call.

To: Lapierre, Kenneth[Lapierre.Kenneth@epa.gov]; Gordon, Scott[Gordon.Scott@epa.gov]; Diaz, Denisse[Diaz.Denisse@epa.gov]; Giattina, James[Giattina.Jim@epa.gov]; Farmer, Alan[Farmer.Alan@epa.gov]; Wilkes, Mary[Wilkes.Mary@epa.gov]
From: Tommelleo, Nancy
Sent: Thur 10/13/2016 4:01:50 PM
Subject: FW: FYI - E&E on impact of hurricane on NC CAFOs

FYI. Greenwire news article below on hurricane impact to coal ash ponds and CAFOs.



Nancy L. Tommelleo

Deputy Regional Counsel

United States Environmental Protection Agency

Region 4

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From: Dorka, Lilian

Sent: Thursday, October 13, 2016 10:30 AM

To: O'Lone, Mary <OLone.Mary@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Johnson, Johanna <Johnson.Johanna@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>

Cc: Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>; Kreisler, Eva <Kreisler.Eva@epa.gov>; Greenwald, Kathryn <Greenwald.Kathryn@epa.gov>; Roose, Rebecca <Roose.Rebecca@epa.gov>; O'Lone, Dan <Olone.Dan@epa.gov>

Subject: RE: FYI - E&E on impact of hurricane on NC CAFOs

This was the conversation of the day at the NEJAC yesterday. Leaving now to go over there. I am on at 2:00

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

From: O'Lone, Mary

Sent: Thursday, October 13, 2016 10:27 AM

To: Dorka, Lilian <Dorka.Lilian@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Johnson, Johanna <Johnson.Johanna@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>

Cc: Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>; Kreisler, Eva <Kreisler.Eva@epa.gov>; Greenwald, Kathryn <Greenwald.Kathryn@epa.gov>; Roose, Rebecca <Roose.Rebecca@epa.gov>; O'Lone, Dan <Olone.Dan@epa.gov>

Subject: FW: FYI - E&E on impact of hurricane on NC CAFOs

In case you hadn't seen this latest.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Prabhu, Aditi

Sent: Thursday, October 13, 2016 9:37 AM

To: O'Lone, Mary <OLone.Mary@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>;
Shenkman, Ethan <Shenkman.Ethan@epa.gov>

Subject: FYI - E&E on impact of hurricane on NC CAFOs

Inundated farms, ash ponds bring more woes to soaked N.C.

Source: Greenwire

By: Tiffany Stecker

Flooding rivers in the wake of Hurricane Matthew are overwhelming coal ash ponds and livestock operations and dispersing the contaminants through North Carolina's waterways, riverkeeper organizations said today.

Since Monday, members of the Waterkeeper Alliance have shot aerial photos of the state's rivers mingling with lagoons containing animal manure and coal ash ponds.

Rick Dove, a senior adviser with the Waterkeeper Alliance, said he saw about five lagoons yesterday releasing raw animal waste to rivers.

"If you had a canoe you could actually paddle your canoe right in the river [from the lagoon]," he said.

Hurricane Matthew is the worst storm to hit North Carolina since 1999's Hurricane Floyd. The state has been particularly hit by inland flooding of rivers, rather than coastal flooding. The storm and subsequent floodwaters have killed 19 people in the state and 19 more in surrounding states. It killed at least 1,000 people when it slammed Haiti last week.

Southeastern North Carolina is home to the highest concentration of hog concentrated animal feeding operations — or CAFOs — in the country. Waterkeeper Alliance and the Environmental Working Group targeted the industry in a report earlier this year, finding that CAFOs in the state are responsible for nearly 10 billion gallons of waste annually, enough to top more than 15,000 Olympic-size swimming pools.

The state is also home to 32 coal ash basins managed by Duke Energy Corp., where a leak in 2014 led to more than 30,000 tons of ash spilling into the Dan River (Greenwire, Oct. 7). Coal ash contains heavy metals and other toxic substances.

"We're all holding our breath that the situation doesn't get worse," said Cassie Gavin, director of government relations for the Sierra Club's North Carolina chapter. Though the state has made progress in its mapping of floodplains, it is still grappling with waste management from booming agricultural and energy industries.

Dove is also concerned that dead livestock will not be properly disposed of and will pollute the water with bacteria, a throwback to contamination concerns during the outbreak of the porcine epidemic diarrhea virus two years ago.

"It was pretty obvious to me that the chickens or turkeys inside were dying or did die," he said after his tour of the area.

The National Weather Service is projecting the Neuse River in Kinston will reach 27.5 feet by Saturday morning, nearing the record set by Hurricane Floyd. The Cape Fear River is expected to crest at 15.8 feet by Friday, three times the elevation of its normal flow.

Floyd, which caused \$1 billion in damage and killed 48 people 17 years ago, flooded farm lagoons, spurring the North Carolina Department of Environment & Natural Resources to implement an emergency waste management strategy to keep hog and poultry feces out of the water supply. The strategy banned the reconstruction of damaged lagoons in the floodplain.

Hurricane Matthew may be dramatic, but the overflow of animal waste and coal ash is not new after a storm, said Dove.

"This is historically an area that floods and does great damage to the environment every time," he said of the Northeast Cape Fear River area in the southeastern part of the state.

Another area of concern is around Goldsboro, N.C., where Duke Energy's retired H.F. Lee coal-fired power plant is located.

"It's almost indescribable how much water is over that power plant right now," said Travis Graves, riverkeeper for the lower Neuse River, which empties in Pamlico Sound about 100 miles north of Wilmington, N.C.

There are three inactive coal ash storage ponds near Goldsboro. Two are almost entirely under water, said Graves.

In a televised gubernatorial debate last night, Gov. Pat McCrory (R) and his Democratic challenger, state Attorney General Roy Cooper, both referenced the floods in their opening statements and urged the state to come together during its hour of need. McCrory also issued a stark warning to residents of certain areas of Moore County to evacuate immediately, because Woodlake Dam is in danger of failing.

Cooper claimed credit for creating North Carolina's disaster relief fund as state Senate majority leader in 1999, when the state was coping with damage from Hurricane Floyd. He said McCrory declined to veto a bill that would remove \$500,000 in lawyers' fees from the fund.

"It's still in the disaster relief fund," McCrory insisted.

Cooper has criticized McCrory for his administration's management of the 2014 coal ash spill. A recent TV ad calls McCrory the "Duke Energy Governor" ([Greenwire](#), Sept. 2).

Aditi Prabhu
Special Assistant, Office of General Counsel
U.S. Environmental Protection Agency
(202)564-2473

To: Lapierre, Kenneth[Lapierre.Kenneth@epa.gov]
From: Heard, Anne
Sent: Mon 2/23/2015 3:05:59 AM
Subject: Re: REACH - An Assistance Request

Please work as you normally do. Thanks for making sure we are on the same page.

Sent from my iPhone

On Feb 22, 2015, at 7:22 PM, Lapierre, Kenneth <Lapierre.Kenneth@epa.gov> wrote:

Anne,

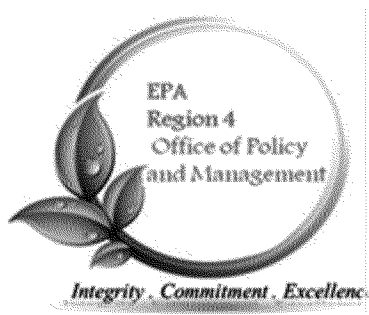
Do want me to work this as I normally would as the DCRO or do you have an interest in being engaged directly on this? Just want to make sure we are on the same page before I work this on Monday. Thanks--Ken

Kenneth R. Lapierre

Assistant Regional Administrator

U.S. EPA Region 4

(404) 562-8570



February is Black History Observance Month.

A Century of Black Life, History, and

Culture.

From: Golightly-Howell, Velveta
Sent: Friday, February 20, 2015 6:10 PM
To: Lapierre, Kenneth
Cc: KeyesFleming, Gwendolyn; Reeder, John; Packard, Elise; Rhodes, Julia; O'Lone, Mary; Wooden-Aguilar, Helena; Dorka, Lilian; Matthew, Dayna; Colaizzi, Jennifer C.
Subject: REACH - An Assistance Request
Importance: High

Hi Ken. Attached are the final OCR letters accepting for investigation one allegation and requesting clarification on another made in the Title VI complaint filed in September 2014 by Earthjustice regarding alleged discrimination related to swine feeding operations in North Carolina. Specifically, OCR will investigate whether:

- [REDACTED] North Carolina DENR's regulation of swine feeding operations discriminates against African Americans, Latinos, and Native Americans on the basis of race and national origin in neighboring communities and violates Title VI and EPA's implementing regulations.

To assist OCR in its investigation, which is on a tight timeframe, I ask that you please provide OCR with a Title VI point of contact to assist in developing and implementing the Preliminary Case Management Plan for this investigation. Ideally, the Title VI contact should have the ability to quickly marshal the appropriate technical expertise within your office to assist in investigatory tasks (*e.g.*, review studies, assist in analysis). At this early stage, we do not know specifically what technical assistance we may need, but appreciate your willingness to help.

Also, OCR would like to also be able to tap into existing EPA expertise in CAFO issues and experience in working with NC DENR. We are looking for program staff who have the

background and experience to assist us as we navigate what we anticipate will be controversial and potentially high profile issues. If you would please provide us with a CAFO contact and someone experienced in working with NC DENR that we could consult with on an as needed basis on sensitive issues, it would be most appreciated.

We have set up a SharePoint site containing copies of the complaint and other relevant materials. We are prepared to organize briefings or provide background and assistance to any program staff who will be involved in the project. Please email Helena Wooden-Aguilar of my staff and Mary O'Lone of OGC the names of your Title VI and your CAFO contacts and your staff with experience working with NC DENR. Mary will grant them access to the SharePoint site and Helena will schedule any requested briefings or meetings.

Also, please refer any press inquiries directly to Jennifer Colaizzi in OPA (202-564-7776). Jennifer is prepared to field all inquiries.

Velveta

Velveta Golightly-Howell

Director, Office of Civil Rights

Environmental Protection Agency

1200 Pennsylvania Avenue, N.W.

Mail Code 1201A

Washington, DC 20460

202-564-6685

<Lado, Marianne Ltr - Re _ Reach - EPA File No _ 11R-14-R4..pdf>

<Vaart Donald Ltr - Re _ Reach - EPA File No _ 11R-14-R4.pdf>

To: Giattina, James[Giattina.Jim@epa.gov]; McGill, Thomas[Mcgill.Thomas@epa.gov]; Zapata, Cesar[Zapata.Cesar@epa.gov]; Diaz, Denisse[Diaz.Denisse@epa.gov]
Cc: HALIM-CHESTNUT, NAIMA (Halim-Chestnut.Naima@epa.gov)[Halim-Chestnut.Naima@epa.gov]; Tommelleo, Nancy[Tommelleo.Nancy@epa.gov]; Gordon, Scott[Gordon.Scott@epa.gov]; Erika White (White.Erika@epa.gov)[White.Erika@epa.gov]; Tennessee, Denise[Tennessee.Denise@epa.gov]; Hicks, Javoyne[Hicks.Javoyne@epa.gov]
From: Lapierre, Kenneth
Sent: Mon 10/24/2016 11:46:35 AM
Subject: WPD Support for OCR On-Site Visit to eastern NC

Jim,

HQ OCR is looking for someone with hog farm compliance and enforcement experience to join them on their on-site visit to NC in early November 2016 for the REACH title VI investigation. They will be interviewing residents and touring the area. They are working to finalize the dates now and we will let you know ASAP. Mostly likely there will be two other folks from R4 joining the team, one from R4 OCR and R4 EJ. More to follow.

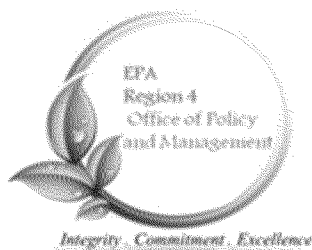
Thanks--Ken

Kenneth R. Lapierre

Assistant Regional Administrator

U.S. EPA Region 4

(404) 562-8570



Disability Awareness Month

October 1-31, 2016

Theme: Inclusion Works

I AM Diversity!

To: Giattina, James[Giattina.Jim@epa.gov]
From: Lapierre, Kenneth
Sent: Mon 10/17/2016 12:25:29 PM
Subject: RE: Situation in North Carolina

Thanks Jim,

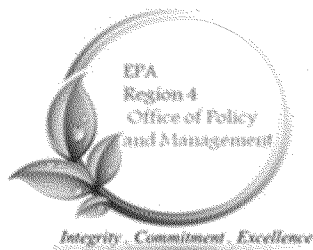
Ken

Kenneth R. Lapierre

Assistant Regional Administrator

U.S. EPA Region 4

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Disability Awareness Month

October 1-31, 2016

Theme: Inclusion Works

I AM Diversity!

From: Giattina, James
Sent: Monday, October 17, 2016 8:22 AM
To: Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>; Lapierre, Kenneth <Lapierre.Kenneth@epa.gov>; Tennessee, Denise <Tennessee.Denise@epa.gov>; Zapata, Cesar <Zapata.Cesar@epa.gov>; McGill, Thomas <Mcgill.Thomas@epa.gov>; Diaz, Denisse <Diaz.Denisse@epa.gov>; Joe, Don <Joe.Don@epa.gov>; O'Lone, Dan <Olone.Dan@epa.gov>
Subject: Fwd: Situation in North Carolina

FYI

Sent from my iPhone

Begin forwarded message:

From: "Gilinsky, Ellen" <Gilinsky.Ellen@epa.gov>
Date: October 14, 2016 at 5:07:36 PM EDT
To: "Giattina, James" <Giattina.Jim@epa.gov>
Subject: FW: Situation in North Carolina

fyi

Ellen Gilinsky

Ellen Gilinsky, Ph.D.

Associate Deputy Assistant Administrator for Water

Environmental Protection Agency

1200 Pennsylvania Ave, NW
Room 3219B EPA East, MC 4101M
Washington, DC 20460

Phone: 202-564-2549

Ex. 6 - Personal Privacy

Email: Gilinsky.ellen@epa.gov

From: Michael Formica [<mailto:formicam@nppc.org>]
Sent: Friday, October 14, 2016 4:38 PM
To: Beauvais, Joel <Beauvais.Joel@epa.gov>; Gilinsky, Ellen <Gilinsky.Ellen@epa.gov>;
Sawyers, Andrew <Sawyers.Andrew@epa.gov>; Subramanian, Hema
<Subramanian.Hema@epa.gov>; Wiedeman, Allison <Wiedeman.Allison@epa.gov>;
Carleton, Ron <Carleton.Ron@epa.gov>
Subject: Situation in North Carolina
Importance: High

All

In light of some of the false press reports we have seen over the last couple of days, I wanted to share with you the following information on the current situation in North Carolina and the impact the floods are having on pork producers there. Please feel free to reach out to me at any time with questions or if you need additional information.

NC PORK COUNCIL UPDATE

Friday, October 14

STATEMENT FROM NC PORK COUNCIL CEO DEBORAH JOHNSON

"As farmers deal with historic and life-threatening floods, the Waterkeeper Alliance has deliberately exaggerated the environmental impact posed by hog farms in the wake of

Hurricane Matthew. Here are the facts as of Friday afternoon: There have been no reported hog lagoon breaches. There are 11 hog farms where floodwaters have inundated lagoons, but the majority of the wastewater will remain in the lagoons as flood waters recede.

"While people across North Carolina are working hard to protect lives and property, the Waterkeeper Alliance is exploiting this tragic situation to push their anti-farm agenda. They remain focused on farms while ignoring the environmental impact of spills from municipal waste systems and runoff from thousands of other sources.

"The number of hog lagoons that have been flooded represents less than ½ of one percent of North Carolina's 2,100 permitted hog farms. It also represents a decrease of nearly 80 percent when compared to the number of lagoons (50) that were flooded during Hurricane Floyd. This shows that the proactive steps we have taken since Hurricane Floyd are working.

"We urge the media and public to view allegations from the Waterkeeper with great skepticism."

UPDATED STATUS: HOG LAGOONS

Through 2pm Friday, there have been no reported breaches of hog lagoons. According to the NC Department of Environmental Quality, 11 farms across Eastern North Carolina have lagoons that have been inundated with flood waters. This is a situation where the lagoons did not overflow or breach; the lagoons remain intact but are underwater as a result of flood waters coming onto the property.

There has been one reported incident involving a failed flush tank pipe. This issue was found immediately once the power was restored and reported to DEQ. The farm reported a discharge of approximately 500 gallons. It did not reach the waters of the state and the wastewater was pumped back into the lagoon.

The Waterkeeper / Riverkeeper Alliance continues to stoke fears about potential breaches and is deliberately exaggerating the environmental impact from hog lagoons. For example, one reported breach photographed by the Riverkeeper occurred on a farm in Hookerton that hasn't been in operation for five years. The reality is that hog lagoons across North Carolina have survived the historic flooding with minimal incidents to this point.

Understanding The Difference Between Breaches vs. Inundation

When a hog lagoon is breached — the lagoon walls give way and can no longer hold back the wastewater — the contents of the lagoon are typically washed away and emptied into the surrounding fields.

By contrast, a lagoon that is underwater still remains intact. The floodwater runs over the

lagoon and carries away only a small portion of wastewater that is heavily diluted. Most of the wastewater remains in the lagoon and the environmental impact is greatly minimized.

Providing Context: The Impact of Hog Lagoons vs. Other Sources of Pollution

While an extremely small number of North Carolina's 2,100 hog farms have been flooded, more than a dozen municipalities in the region have spilled untreated human waste into the waters. This includes a 6.2 million gallon spill in Dunn, a 1 million gallon spill in Elizabeth City, a 1 million gallon spill in Washington, and numerous others.

In addition, flooding results in water pollution from a host of other sources, including contaminants and chemicals from residential communities and local industries.

Donald van der Vaart, Secretary of the NC Department of Environmental Quality, said of potential environmental issues related to flooding: "The good side of this is there's a tremendous amount of water flowing through this area, so any exchange is going to be vastly diluted."

UPDATE ON ANIMAL MORTALITY

Through 2pm Thursday, it appears that fewer than 3,000 swine were killed during Hurricane Matthew. Only one farm lost any swine due to flooding.

SIGNIFICANT IMPROVEMENTS SINCE HURRICANE FLOYD

The pork industry has worked closely with the State of North Carolina to mitigate the risk of pollution during extreme weather events such as Hurricane Matthew.

More than 100 hog lagoons located within the 100-year floodplain in Eastern North Carolina have been closed since Hurricane Floyd. Conservation easements were acquired that prevent the land being used as feedlots, lagoons or as sprayfields for liquid fertilizer. The easements were acquired through grants made by the Clean Water Management Trust Fund.

An additional 231 out-of-service lagoons in Eastern North Carolina were closed using Environmental Enhancement Grant money donated to the NC Foundation for Soil and Water Conservation by Smithfield Foods.

These steps have successfully reduced the risk to water quality from flood events.

FLOYD VS. MATTHEW: COMPARING THE DAMAGE

The flooding caused by Hurricane Matthew rivals — and in some cases exceeds — that which occurred during Hurricane Floyd. The impact on hog farms from this storm has been much less significant up to this point.

Impact on Hog Lagoons

Hurricane Floyd: 50 Lagoons Flooded, 6 Lagoon Breaches

Hurricane Matthew: 11 Lagoons Flooded (Estimate), 0 Lagoon Breaches Reported

Animal Mortality

Hurricane Floyd: 21,474 Swine Deaths

Hurricane Matthew: Fewer Than 3,000 Swine Deaths (Estimate)

Michael C. Formica

Assistant Vice President & Legal Counsel, Domestic Policy

National Pork Producers Council

202.680.3820

To: Dorka, Lilian[Dorka.Lilian@epa.gov]
Cc: Tommelleo, Nancy[Tommelleo.Nancy@epa.gov]; Golightly-Howell, Velveta[Golightly-Howell.Velveta@epa.gov]; Pieh, Lusenii[Pieh.Lusenii@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Rhodes, Julia[Rhodes.Julia@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; O'Lone, Mary[o'lonemary@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]; HALIM-CHESTNUT, NAIMA (Halim-Chestnut.Naima@epa.gov)[Halim-Chestnut.Naima@epa.gov]; Tellis, Vickie[Tellis.Vickie@epa.gov]
From: Lapierre, Kenneth
Sent: Sat 12/12/2015 2:10:07 PM
Subject: RE: REACH CASE - SUSPENSION OF INVESTIGATION PENDING ADR -- FOR REGIONAL REVIEW/INPUT

Lilian:

Thanks for the opportunity to comment. Our only comment for both letters is that NC DENR is now called North Carolina Department of Environmental Quality (or NC DEQ).

Please let me know if you have questions.

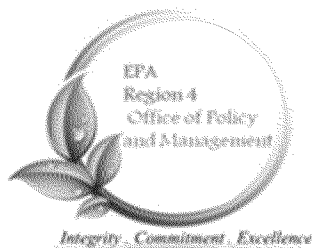
Thanks--Ken

Kenneth R. Lapierre

Assistant Regional Administrator

U.S. EPA Region 4

(404) 562-8570



November 1 – November 30, National American Indian Heritage Month

Theme: “Growing Native Leaders: Enhancing Seven Generations”

Veterans Day – November 11, 2015

Theme: “Honoring all who Served in times of War – in times of Peace”

From: Dorka, Lilian

Sent: Wednesday, December 9, 2015 8:04 PM

To: Lapierre, Kenneth

Cc: Tommelleo, Nancy; Golightly-Howell, Velveta; Pieh, Luseni; Reeder, John; Rhodes, Julia; Packard, Elise; Farrell, Ericka; O'Lone, Mary; Covington, Jeryl; Wooden-Aguilar, Helena

Subject: REACH CASE - SUSPENSION OF INVESTIGATION PENDING ADR -- FOR REGIONAL REVIEW/INPUT

Hi Ken, hope you and our Region 4 colleagues are well! Consistent with the collaborative efforts described in the CRM and which we all had the opportunity to discuss with DCROs recently, we will be sharing key documents (and other information at key decision stages) with our DCRO partners for input. (This is our first time actually implementing this as a “process” per the CRM.)

These letters attached are the letters to DENR and to the REACH folks letting them know “officially” that we have suspended our investigation pending ADR in this case. Fact is that they are overdue and, as you know, we suspended our investigation a few months ago when the parties agreed to mediation. For a number of reasons, these have been delayed in issuing, but we still do need to issue them for the record. This will of course come as no surprise to the parties. ☺

We plan to issue the letters by Tuesday morning, 12/15. We would really appreciate it if you could let us know if you have any comments/questions before then. Otherwise, we will issue the letters.

Thanks very much for your help! Lilian

To: HALIM-CHESTNUT, NAIMA (Halim-Chestnut.Naima@epa.gov)[Halim-Chestnut.Naima@epa.gov]; Jones, Kim A[Jones.Kima@epa.gov]; Tommelleo, Nancy[Tommelleo.Nancy@epa.gov]
Cc: Tellis, Vickie[Tellis.Vickie@epa.gov]
From: Lapierre, Kenneth
Sent: Thur 12/10/2015 1:57:33 PM
Subject: FW: REACH CASE - SUSPENSION OF INVESTIGATION PENDING ADR -- FOR REGIONAL REVIEW/INPUT
REACH VAN DER VAART EPA FILE NO 11R-14-R4 ADR (VGH Edits-Comments 12 04 2015) (2).docx
LAD0 AND D'AMBROSIO - EPA FILE NO 11R-14-R4 ADR (VGH -3 12.04.2016).docx

Naima, Kim, or Nancy,

Any comments for OCR on these letters?

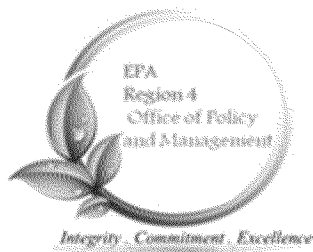
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Kenneth R. Lapierre

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To: Giattina, James[Giattina.Jim@epa.gov]; Gordon, Scott[Gordon.Scott@epa.gov]; Wilkes, Mary[Wilkes.Mary@epa.gov]
Cc: Tommelleo, Nancy[Tommelleo.Nancy@epa.gov]; Mundrick, Doug[Mundrick.Doug@epa.gov]; Mitchell, Gail[Mitchell.Gail@epa.gov]; HicksWhite, Javoyne[HicksWhite.Javoyne@epa.gov]; Heard, Anne[Heard.Anne@epa.gov]; HALIM-CHESTNUT, NAIMA (Halim-Chestnut.Naima@epa.gov)[Halim-Chestnut.Naima@epa.gov]; Tellis, Vickie[Tellis.Vickie@epa.gov]
From: Lapierre, Kenneth
Sent: Mon 2/23/2015 1:50:04 PM
Subject: FW: REACH - An Assistance Request
Lado, Marianne Ltr - Re Reach - EPA File No 11R-14-R4..pdf
Vaart Donald Ltr - Re Reach - EPA File No 11R-14-R4.pdf

All:

Please see the attached letters and note from HQ OCR. We need to identify technical contacts from both the program and enforcement to support the case management team. Preferably, these folks need to have experience working with NCDENR. I will discuss this at senior staff meeting today.

Thanks--Ken

Kenneth R. Lapierre

Assistant Regional Administrator

U.S. EPA Region 4

(404) 562-8570



February is Black History Observance Month.

A Century of Black Life, History, and Culture.

From: Golightly-Howell, Velveta
Sent: Friday, February 20, 2015 6:10 PM
To: Lapierre, Kenneth
Cc: KeyesFleming, Gwendolyn; Reeder, John; Packard, Elise; Rhodes, Julia; O'Lone, Mary; Wooden-Aguilar, Helena; Dorka, Lilian; Matthew, Dayna; Colaizzi, Jennifer C.
Subject: REACH - An Assistance Request
Importance: High

Hi Ken. Attached are the final OCR letters accepting for investigation one allegation and requesting clarification on another made in the Title VI complaint filed in September 2014 by Earthjustice regarding alleged discrimination related to swine feeding operations in North Carolina. Specifically, OCR will investigate whether:

- [REDACTED] North Carolina DENR's regulation of swine feeding operations discriminates against African Americans, Latinos, and Native Americans on the basis of race and national origin in neighboring communities and violates Title VI and EPA's implementing regulations.

To assist OCR in its investigation, which is on a tight timeframe, I ask that you please provide OCR with a Title VI point of contact to assist in developing and implementing the Preliminary Case Management Plan for this investigation. Ideally, the Title VI contact should have the ability to quickly marshal the appropriate technical expertise within your office to assist in investigatory tasks (e.g., review studies, assist in analysis). At this early stage, we do not know specifically what technical assistance we may need, but appreciate your willingness to help.

Also, OCR would like to also be able to tap into existing EPA expertise in CAFO issues and experience in working with NC DENR. We are looking for program staff who have the background and experience to assist us as we navigate what we anticipate will be controversial and potentially high profile issues. If you would please provide us with a CAFO contact and someone experienced in working with NC DENR that we could consult with on an as needed basis on sensitive issues, it would be most appreciated.

We have set up a SharePoint site containing copies of the complaint and other relevant materials. We are prepared to organize briefings or provide background and assistance to any program staff who will be involved in the project. Please email Helena Wooden-Aguilar of my staff and Mary O'Lone of OGC the names of your Title VI and your CAFO contacts and your staff with experience working with NC DENR. Mary will grant them access to the SharePoint site and Helena will schedule any requested briefings or meetings.

Also, please refer any press inquiries directly to Jennifer Colaizzi in OPA (202-564-7776). Jennifer is prepared to field all inquiries.

Velveta

Velveta Golightly-Howell

Director, Office of Civil Rights

Environmental Protection Agency

1200 Pennsylvania Avenue, N.W.

Mail Code 1201A

Washington, DC 20460

202-564-6685

To: Heard, Anne[Heard.Anne@epa.gov]
From: Lapierre, Kenneth
Sent: Mon 2/23/2015 12:22:49 AM
Subject: FW: REACH - An Assistance Request
Lado, Marianne Ltr - Re Reach - EPA File No 11R-14-R4..pdf
Vaart Donald Ltr - Re Reach - EPA File No 11R-14-R4.pdf

Anne,

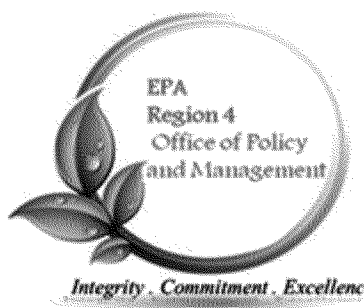
Do want me to work this as I normally would as the DCRO or do you have an interest in being engaged directly on this? Just want to make sure we are on the same page before I work this on Monday. Thanks--Ken

Kenneth R. Lapierre

Assistant Regional Administrator

U.S. EPA Region 4

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